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MANDATE

CASE #: 1:05-cv-07583-WHP

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

USDC SDNY
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DATE FILED: March 12, 2010

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 16th day of February, two thousand and ten.

PRESENT: Barrington D. Parker,
*Circuit Judge,**
Charles S. Haight, Jr.,
*District Judge.***

Operating Local 649 Annuity Trust Fund,

Plaintiff-Appellant,

Katherine E. Shropshire, Harold Levine, Seymour Ratner,
Jeffrey Weber, individually and on behalf of all others similarly
situated, Sara Brinn,

Consolidated-Plaintiffs,

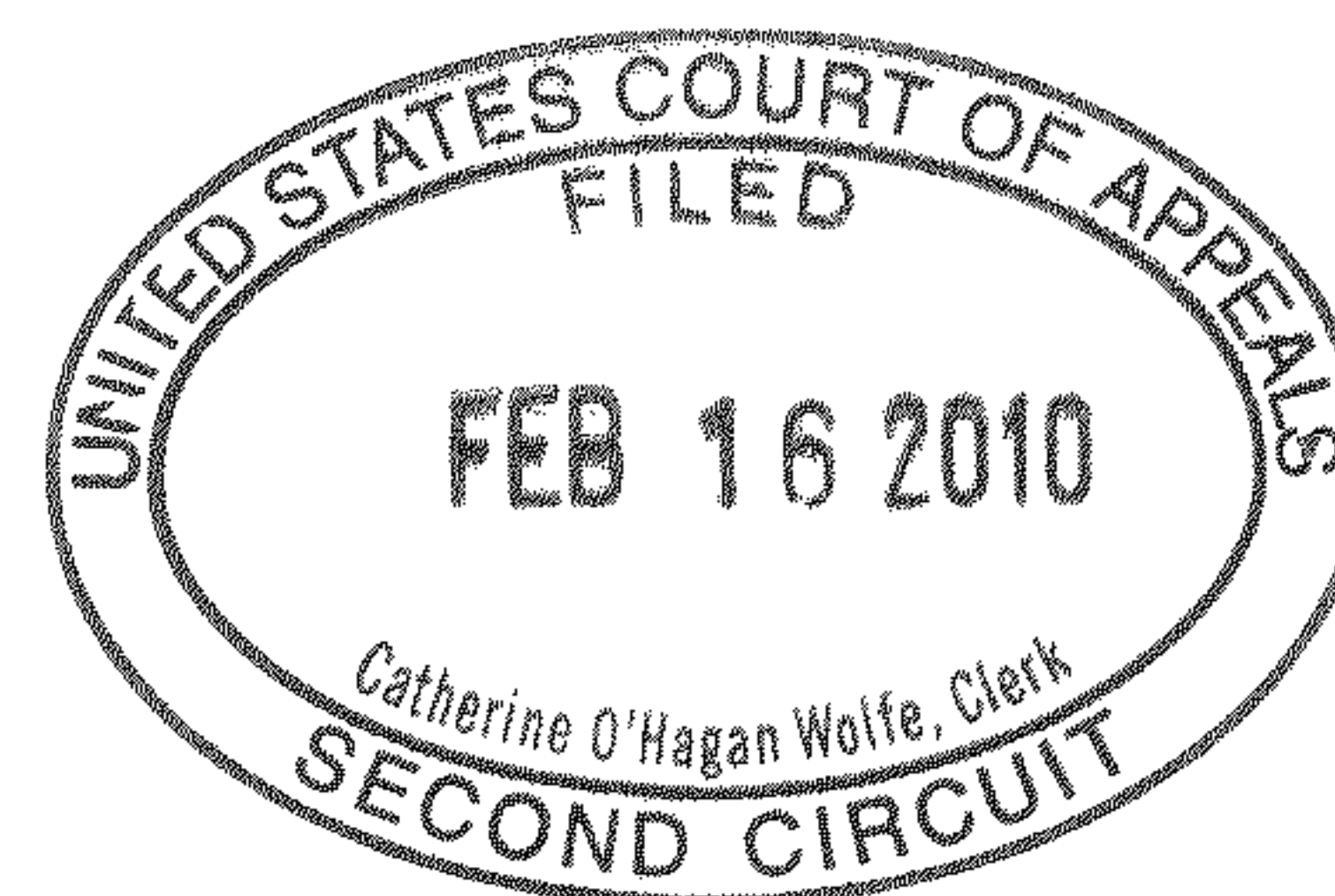
Jeanne Chilton, individually and on behalf of all others similarly
situated,

Plaintiff,

-v.-

Smith Barney Fund Management LLC, Citigroup Global Markets,
Inc., Lewis Daidone, Thomas Jones,

Defendants-Appellees.



JUDGMENT

Docket Number: 07-5125-cv

The appeal in the above-captioned case from a judgment of United States District Court for the Southern District of New York was argued on the district court record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the judgment of the District Court is VACATED and REMANDED in part and AFFIRMED in part in accordance with the opinion of this Court.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

FOR THE COURT,
Catherine O'Hagan Wolfe,
Clerk

Catherine O'Hagan Wolfe

Judy Pisnanont, Motions Staff Attorney

* The Honorable Sonia Sotomayor, originally a member of this panel, was elevated to the Supreme Court on August 8, 2009. The two remaining members of the panel, who are in agreement, have determined the matter. See 28 U.S.C. § 46(d); Internal Operating Proc. E; *United States v. Desimone*, 140 F.3d 457 (2d Cir. 1998).

** The Honorable Charles S. Haight, Jr., United States District Court Judge for the Southern District of New York, sitting by designation.

MANDATE ISSUED ON 03/12/2010